

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Robert Ogletree, #2081-409,)	
)	C/A No.: 8:05-668-MBS
Plaintiff,)	
)	
vs.)	
)	
David Cooper, co-owners of Columbia)	O R D E R
Care Center; and Mr. NFN Wyatt,)	
co-owner of Columbia Care Center,)	
)	
Defendants.)	
)	

Plaintiff Robert Ogletree is a federal inmate who is housed at the Columbia Care Center in Columbia, South Carolina. Plaintiff, appearing pro se, alleges he is a paraplegic confined to a wheelchair. Plaintiff contends he was thrown from a shower chair, resulting in a broken thigh bone in his left leg. Plaintiff brings this action pursuant to 42 U.S.C. § 1983, alleging violation of his constitutional right to adequate medical treatment.

This matter is before the court on Plaintiff's motion to voluntarily withdraw his complaint, which motion was filed August 29, 2005. (Entry 16.) Plaintiff contends that he is being denied his ability to access a legal law library and research material, and is being denied his ability to obtain assistance of counsel. Defendants filed a memorandum in opposition to Plaintiff's motion on September 12, 2005, asserting that they would be prejudiced because they have incurred expenses and expended effort in investigating and answering Plaintiff's complaint, and because they have filed a motion for summary judgment with numerous exhibits and affidavits. See Memorandum in Support of Defendants' Response to Plaintiff's Motion to Voluntarily Withdraw Plaintiff's Complaint Without Prejudice, pp. 5-6 (citing Hobbs v. Kroger Co., 175 F.3d 1014 (4th Cir. 1999)).

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred

to United States Magistrate Judge Bruce H. Hendricks for pretrial handling. On January 13, 2006, the Magistrate Judge filed a Report of Magistrate Judge in which she recommended that Plaintiff's motion to withdraw complaint be denied. Plaintiff has filed no response to the Report.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report of Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The court has thoroughly reviewed the record. The court concurs in the Report of Magistrate Judge and incorporates it herein by reference. Accordingly, Plaintiff's motion to withdraw complaint is **denied**.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

February 8, 2006.

Columbia, South Carolina